

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LARRY SHAW, an individual,
Plaintiff,

vs.

COLUMBIA CASUALTY COMPANY, an
Illinois corporation,
Defendant.

Case No. 8:17-cv-00311

**MOTION TO
DISMISS SECOND CAUSE
OF ACTION**

COMES NOW Defendant, Columbia Casualty Company, and moves the Court to enter an order dismissing Plaintiff Larry Shaw's Second Cause of Action under Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted. Plaintiff asserts Columbia Casualty violated several provisions of the Unfair Insurance Settlement Practices Act, Neb. Rev. Stat. §§44-1536 to 44-1544 (Reissue 2010). Under Nebraska law, the Unfair Insurance Settlement Practices Act does not create a private cause of action. *McShane Construction Co., LLC v. Gotham Insurance Co.*, Case No. 8:14-CV-419, 2016 WL 2764730 (D. Neb. March 29, 2016).

COLUMBIA CASUALTY COMPANY,
Defendant

By: /s/ Gerald L. Friedrichsen
Gerald L. Friedrichsen (#15898)
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of October, 2017, I filed the foregoing Motion with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Robert M. Sullivan
747 N. Burlington Ave.
P.O. Box 309
Hastings, NE 68901

/s/ Gerald L. Friedrichsen
Gerald L. Friedrichsen